

brief only addresses the request for a blanket recusal. Accordingly, claimant and claimant's attorney request the Board to issue a blanket order removing Judge Moore from all proceedings in which claimant's attorney appears.

Conversely, respondent and its insurance carrier contend this claim has already been removed from Judge Moore and assigned to another Judge. Therefore, respondent and its insurance carrier argue the recusal requests are moot. Accordingly, they request attorney fees for the time expended on the recusal requests.

The issues before the Board on this appeal are:

1. Are the requests for recusal made by claimant and claimant's attorney moot due to the Director's assigning the claim to another Judge?
2. If not, should the Board remove Judge Moore from this claim or all other matters in which claimant's counsel appears?
3. Are respondent and its insurance carrier entitled to an award for attorney fees?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire file, the Board finds and concludes:

The request for an order preventing Judge Moore from participating in this claim is moot. This claim has been assigned to another Judge.

Respondent and its insurance carrier's request for attorney fees is denied as the Board is unaware of any provision in the Workers Compensation Act that allows it to assess attorney fees against claimant or his attorney under these circumstances.

Accordingly, the appeal in this claim should be dismissed.

WHEREFORE, the Board dismisses this appeal.

IT IS SO ORDERED.

Dated this ____ day of June 2002.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Roger A. Riedmiller, Attorney for Claimant
Jeffrey E. King, Attorney for Respondent and its Insurance Carrier
Bryce D. Benedict, Administrative Law Judge
Philip S. Harness, Workers Compensation Director